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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLENE A. WILLIAMS  
331 Van Kirk Street  
Philadelphia, PA 19120-1134

Plaintiff

vs.

NATIONAL RECOVERY AGENCY INC.  
4201 Crums Mill Road  
Harrisburg, PA 17112-2893

Defendant

CIVIL ACTION

NO.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”) which prohibits collectors from engaging in deceptive and unfair practices. Defendant has sent plaintiff a collection notice which is false and misleading in violation of 15 U.S.C. §1692e. The threatening language contained in the collection notice also overshadows and vitiates the required validation notice, in violation of 15 U.S.C. §1692g.

2. Declaratory relief is available pursuant to 28 U.S.C. §2201 and §2202.

**II. JURISDICTION**

3. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

**III. PARTIES**

4. Plaintiff is Charlene A. Williams, a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

5. Defendant, National Recovery Agency Inc. (“National”) is a collection agency incorporated under the laws of the Commonwealth of Pennsylvania, with an office for the regular transaction of business located in Harrisburg, Pennsylvania, as captioned.

6. Defendant National regularly uses the mails and telephone to attempt to collect consumer debts alleged to be due another. National is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

#### **IV. STATEMENT OF CLAIM**

7. On November 7, 2003, National, in an attempt to collect a consumer debt, sent the plaintiff a communication with regard to the collection of a debt that was allegedly owed to “Philadelphia Gas Works” in the amount of \$4836.62. (See correspondence from National attached hereto as Exhibit “A,” redacted per local rule).

8. The letter attached as Exhibit “A” directly threatens to “do whatever is necessary to get this account paid in full.” (emphasis added)

9. Such a blanket threat is calculated to intimidate the least sophisticated consumer into making summary payment of the alleged debt.

10. To “do whatever is necessary” implies that National may use tactics including coercion, intimidation or worse to collect the debt.

11. The letter also states that if the alleged debt remains unpaid, the matter may be reported to the credit bureaus [sic] and “‘unpaid account’ information and ... payment history will be then available for review by the business community.” (emphasis added) This is false and misleading. Personal credit information is not generally available for review by the business community. It is only available to the consumer to whom it relates and to restricted users with

specific statutorily enumerated permissible purposes. *See* 15 U.S.C. §1681b (Fair Credit Reporting Act).

12. The above reference renders the notice false, misleading and confusing.

13. The threat to do “whatever is necessary” is coercive and intimidating language that demands immediate payment, effectively overshadowing and vitiating critical consumer rights to validation of the alleged debt , in violation of 15 U.S.C. §1692g.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

14. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

15. The acts by National described above violate the FDCPA in the following ways:

- (a) In sending false or misleading communications in violation of §§1692e, 1692e(4),1692e(5); and
- (b) in overshadowing the required §1692g validation notice in violation of

§1692g.

**WHEREFORE**, plaintiff Charlene A. Williams demands judgment against defendant National Recovery Agency Inc., for:

- (a) Damages;
- (b) Attorney’s fees and costs;
- (c) A declaration that the conduct complained of violates the provisions of the FDCPA.
- (d) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: \_\_\_\_\_

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CARY L. FLITTER  
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